

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

PUBLIC HEARING

Concerning

*Consideration of a resolution referring an action to collect judicial civil liability
to the Attorney General.*

Concerning

Hilmar Cheese Company, Inc. and Hilmar Whey Protein, Inc.
Merced County

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), issued a complaint for Administrative Civil Liability in the amount of \$4,000,000 to Hilmar Cheese Company, Inc., Hilmar Whey Protein, Inc, Hilmar Cheese Company Properties Partnership and Kathy and Delton Nyman, dba Delton Nyman's Farm. The ACL Complaint was later withdrawn as to Hilmar Cheese Company Properties Partnership and Kathy and Delton Nyman, dba Delton Nyman's Farm. For purposes of this notice, the remaining dischargers, Hilmar Cheese Company, Inc. and Hilmar Whey Protein, Inc, will be referred to as "Hilmar". The ACL Complaint alleges that (1) Hilmar's self-monitoring reports document 1,039 days of violation of the discharge effluent limit of 900 micromhos per centimeter ($\mu\text{mhos/cm}$) for EC prescribed by WDRs Order No. 97-206 for discharges to Primary Lands; (2) Hilmar's self monitoring reports document that on those 1,039 days, Hilmar discharged 821,000,000 gallons of wastewater to the Primary Lands; and (3) on those 1,039 days, Hilmar discharged waste or caused or permitted waste to be deposited where it was discharged into waters of the state.

The Regional Board will be asked whether the matter should be referred to the Attorney General for recovery of judicial civil liability, or whether the Regional Board should maintain the action administratively.

An **informal** public hearing concerning this matter will be held during the Regional Board meeting, which is scheduled for:

DATE: 24 June 2005
TIME: 8:30 AM
PLACE: CV-RWQCB Board Room
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

An objection by a party to the decision to hold an **informal** hearing shall be resolved by the Board Chair before going ahead under the informal procedure. Objections to the informal hearing procedure must be in writing and must be received by the Regional Board (attention: Antonia Vorster) no later than **17 June 2005**. Failure to make a timely objection to the use of informal hearing procedures

before those procedures are used will constitute consent to an informal hearing. See 23 California Code of Regulations Section 648.7.

Persons wishing to comment on this noticed informal hearing item must submit testimony, evidence, and/or comments in writing to the Regional Board (attention: Antonia Vorster) no later than **17 June 2005**. Written testimony, evidence or comments submitted after **17 June 2005** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All interested persons may speak at the Board meeting, and are expected to orally summarize their written submittals. Oral testimony will be limited in time by the Board Chair.

The Hearing will be conducted as follows:

1. Adjudicative team will present the item to the Board (10 minutes)
2. Discharger comments (30 minutes)
3. Prosecutorial team comments (20 minutes)
4. Interested Persons (5 minutes each)

After the hearing, the Board may adjourn to closed session to deliberate on the decision to be reached based upon the evidence introduced at the hearing. Authority: Government Code Section 11126(c)(3).

Anyone having questions on the proposed Referral to the Attorney General should contact Ms. Antonia Vorster at avorster@waterboards.ca.gov or (916) 464-4746. Interested parties may download the proposed Order and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. If you do not have Internet access, these documents may be inspected and copied at the Regional Board's Fresno office at 1685 "E" Street, Fresno, CA 93706-2007, or the Sacramento Office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

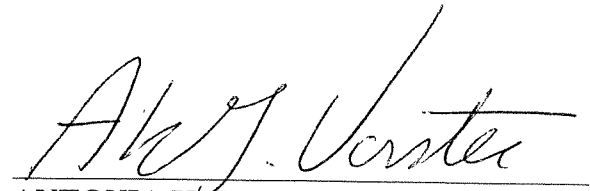
The procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available on the Regional Board's website at http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

NOTICE OF PUBLIC HEARING
HILMAR CHEESE COMPANY, INC. AND HILMAR WHEY PROTEIN, INC.
MERCED COUNTY

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Please bring the above information to the attention of anyone you know who would be interested in this matter.

A handwritten signature in black ink, reading "Antonia K. J. Vorster". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

ANTONIA K. J. VORSTER,
Supervising Water Resources Control Engineer

6 June 2005